



1634

Attorney's Docket No.: Mo 6878/LeA 33,759

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Von Samson-Himmelstjerna,, et al.

Serial No.: 10/030,566

Filed: January 7, 2002

For: DNA coding for β -tubulin and its use

COMMISSIONER FOR PATENTS
P.O. BOX 1450
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CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that the *attached* correspondence comprising:

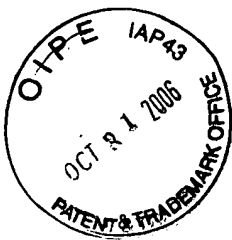
- Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- Substitute Sequence Listing in CFR (Diskette enclosed) and Paper Copy (34 pages); and
- Return Receipt Postcard

is, on the date shown below, being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

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October 26, 2006
Date

Susan M. Pellegrino
Susan M. Pellegrino



Docket No.: Mo-6878/LeA 33 759

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Von Samson-Himmelstjerna, et al.

Application No.: 10/030,566

Art Unit: 1634

Filed: January 7, 2002

Examiner: Jehanne Souaya Sitton

For: DNA coding for β -tubulin and its use

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: October 26, 2006

Susan M. Pellegrino
Susan M. Pellegrino

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This response is filed in reply to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed September 27, 2006 in the above-identified application. Per the requirements of 37 CFR 1.821 through 1.825, Applicants hereby submit a substitute Sequence Listing and substitute Computer Readable Form (CRF) which contains the sequences for SEQ ID NO: 1 to 51 as listed in the specification and the claims.

The substitute Sequence Listing and substitute Computer Readable Form (CRF) have been amended. Specifically, SEQ ID NO: 3, 4, and 48-51 include Feature Data providing definitions for r, y, w, n, and Xaa. Support for these amendments may be found on pages 21, lines 24-26 and page 26, lines 9-11 of the specification. Applicants respectfully request entry of the substitute Sequence Listing into the application.

Submitted herewith for this pending application is a:

1. Substitute Sequence Listing for the nucleotide and/or amino acid sequence(s) in this application. Each Sequence Listing is assigned a separate identifier as required in 37 C.F.R. §1.821(c) and 37 C.F.R. §§1.822 and 1.823.
2. A copy of each Sequence Listing submitted for this application in a substitute computer readable form, in accordance with the requirements of 37 C.F.R. §§1.821(e) and 1.824.

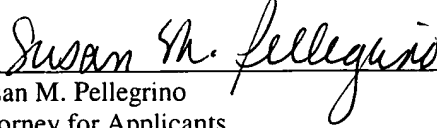
3. The computer readable form and paper copy submitted herewith are the same, and introduce no new matter over what is disclosed in the application (37 C.F.R. 1.821(g)).

If there are any fees due in connection with the filing of the present response, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

Date: October 26, 2006

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Susan M. Pellegrino
Attorney for Applicants
Reg. No. 48,972



Notice to Comply

Application No.

10/030,566

Applicant(s)

Samson-Himmelsfjerna et al

Examiner

Jehanne S. Sitton

Art Unit

1634

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: *See Attachment.*

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

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